



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 4, 2016

Certified Mail

7012 3460 0003 1112 8205

Steven Glazer, Manager
Agate Bay Water Company
P.O. Box 444
Carnelian Bay, CA 96140

TRANSMITTAL OF CITATION NO. 01-02-16C-015

Dear Mr. Glazer:

The State Water Resources Control Board (Board) Division of Drinking Water has issued the Agate Bay Water Company a citation, which is attached.

If you have any questions, please contact Michael Burgess at (530) 224-6506 or me at (530) 224-4800.

A handwritten signature in black ink, appearing to read "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Richard L. Hinrichs, Chief, DDW-Northern California Section
Lenore Davis, Agate Bay Water Company President
Duncan Davis, Agate Bay Water Company Operator
Placer County Department of Environmental Health

3110012/Enforcement
08012016 Cit Ltr/mtb

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Agate Bay Water Company
P.O. Box 444
Carmelien Bay, CA 96140

Attn: Steven Glazer, Manager

CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTIONS 64426 and 64426.1

WATER SYSTEM NO. 3110012

CITATION NO. 01-02-16C-015

Issued on August 4, 2016

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Agate Bay Water Company

(hereinafter, Company) (P.O. Box 444 Carnelian Bay, CA 96140) for violation of Title 22, Sections 64426 and 64426.1 of the California Code of Regulations (CCR).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



Title 22, Section 64426 of the California Code of Regulations states:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or *E. coli*; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in Section 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the State Board by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours; and

(2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

(A) Current operating procedures that are or could potentially be related to the increase in bacterial count;

(B) Any interruptions in the treatment process;

(C) System pressure loss to less than 5 psi;

(D) Vandalism and/or unauthorized access to facilities;

(E) Physical evidence indicating bacteriological contamination of facilities;

(F) Analytical results of any additional samples collected, including source samples;



1 (G) Community illness suspected of being waterborne; and

2 (H) Records of the investigation and any action taken.

3 (c) Upon receiving notification from the State Board of a significant rise in bacterial count,
4 the water supplier shall implement the emergency notification plan required by Section
5 116460, Health and Safety Code.

6
7 **Title 22, Section 64426.1 of the California Code of Regulations provides in relevant part:**

8 (b) A public water system is in violation of the total coliform MCL [maximum
9 contaminant level] when any of the following occurs:

10 (1) For a public water system which collects at least 40 samples per month,
11 more than 5.0 percent of the samples collected during any month are total
12 coliform-positive; or

13 (2) For a public water system which collects fewer than 40 samples per month,
14 more than one sample collected during any month is total coliform-positive;
15 or

16 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

17 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive
18 routine sample is total coliform-positive.

19
20 **STATEMENT OF FACTS**

21
22 The Agate Bay Water Company is classified as a community water system. The Company
23 serves 580 active service connections in the Carnelian Bay area on the west shore of Lake
24 Tahoe. The water system is currently served by a single active spring source, Agate Bay
25 Spring, and surface water from Lake Tahoe. The Company provides multi-barrier surface water

1 treatment of the Lake Tahoe source and hypochlorination of the Agate Spring source prior to
2 distribution to its customers.

3
4 On Monday, June 13, 2016, the Company collected four routine bacteriological samples from
5 the distribution system, which were then picked by a courier employed by WET Lab, the water
6 testing laboratory employed by the Company. On Tuesday, June 14, 2016, WET Lab notified
7 the Division that two samples had tested positive for total coliform bacteria but absent for E. coli.
8 The other two samples had been invalidated by WET Lab in accordance with Title 22, Section
9 64425(b) of the CCR due to excessive turbidity in the sample bottles following incubation. The
10 Division directed the Company to collect a total of 7 repeat samples, one from each of the two
11 routine sites that tested positive for total coliform bacteria, two from sites within five connections
12 upstream of the two routine sites, two from sites within five connections downstream of the
13 routine sites, and one sample from Agate Bay Spring, prior to chlorination.

14
15 On Thursday, June 16, 2016, the Company notified the Division that three of the seven repeat
16 samples collected from the Company's water system, including the sample collected from Agate
17 Bay Spring, had tested positive for total coliform bacteria but absent for E. coli bacteria. The
18 two samples collected from the routine sample sites that originally tested positive for total
19 coliform bacteria both tested absent for total coliform bacteria in the repeat sample set.

20
21 On June 17, 2016, the Company was directed by email to conduct an assessment of the water
22 system for potential causes of the total coliform positive samples. After the Division discussed
23 the results with the Company and potential causes, the Company decided to increase the
24 chlorine dosage at Agate Bay Spring and perform some system flushing.

25
26 On June 20, 2016, the Company collected six additional repeat samples from the distribution
27 system. All six samples tested absent for total coliform bacteria as well as E. coli bacteria. Two

1 replacement samples were collected on June 28, 2016, to replace the invalidated samples
2 collected on June 13, 2016. Both of these replacement routine samples also tested absent for
3 total coliform bacteria as well as E. coli bacteria.

4
5 On July 11, 2016, the Division received a copy of the "Company's Positive Total Coliform
6 Investigation Form." The Company did not provide a possible cause of the total coliform
7 positive samples. While there had been a main repair 14 days before the routine samples were
8 collected, the Company did not report a loss of pressure or decreased chlorine residual in the
9 distribution system. Additionally, the Company reported a measurable chlorine residual in all 19
10 samples collected from the distribution system during June 2016. The cause of the total
11 coliform positive samples is undetermined at this time.

12 13 DETERMINATIONS

14
15 The Division has determined that the Company violated Title 22, Section 64426.1(b)(2) of the
16 California Code of Regulations during June 2016. Specifically, the Company exceeded the
17 total coliform maximum contaminant level during the month of June 2016.

18 19 DIRECTIVES

20
21 The Company is hereby directed to take the following actions:

- 22
- 23 1. Comply with Title 22, Section 64426.1 of the California Code of Regulations during all
24 future monthly monitoring periods.
25
 - 26 2. Within 30 days of the issuance of this Citation, but in no case later than **September 5,**
27 **2016**, notify all persons served by the Company of the MCL violation as required by Title

22, Sections 64463.4 and 64465 of the CCR. Notification shall be completed by posting the notice contained in Attachment 'A' on the internet or publication in a local newspaper **and** by hand delivery or direct mail of the notice to all customers served by the Company. No changes shall be made to Attachment 'A' unless approved by the Division.

3. Complete and return Attachment 'B' entitled "Certification of Completion of Public Notification" within 10 days of providing notification of all persons served by the Company, but in no case later than **September 15, 2016**. A copy of the notification that was provided to users due to the total coliform MCL exceedance in June 2016 shall be included with the form.

Unless otherwise noted, all documents required under this Citation shall be submitted to the Board at the following address:

Michael J. McNamara, P. E.
Lassen District Engineer
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, personal or by certified mail, on the water system.

Nothing in this Citation relieves the Company of its obligation to meet the requirements of the California SDWA or any regulation, permit, standard or order issued or adopted thereunder. The Division reserves the right to make such modifications to this Citation, as it may deem

1 necessary to protect public health and safety. Such modifications may be issued as
2 amendments to this Citation and shall be effective upon issuance.

3
4
5 **FURTHER ENFORCEMENT ACTION**
6

7 The California SDWA authorizes the Board to: issue a citation with assessment of administrative
8 penalties to a public water system for violation or continued violation of the requirements of the
9 California SDWA or any regulation, permit, standard, citation, or order issued or adopted
10 thereunder including, but not limited to, failure to correct a violation identified in a citation or
11 compliance order. The California SDWA also authorizes the Board to take action to suspend or
12 revoke a permit that has been issued to a public water system if the system has violated
13 applicable law or regulations or has failed to comply with an order of the Board; and to petition
14 the superior court to take various enforcement measures against a public water system that has
15 failed to comply with or violates an order of the Board. The Board does not waive any further
16 enforcement action by issuance of this citation.

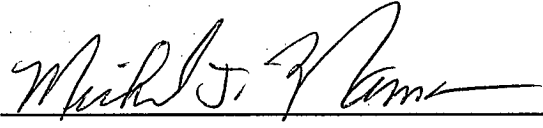
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PARTIES BOUND

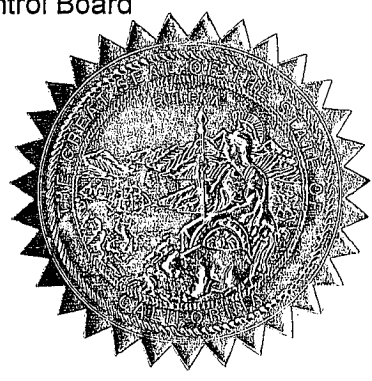
This Citation shall apply to and be binding upon the Company, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

<u>8-4-2016</u>	 _____
Date	Michael J. McNamara, P.E. Lassen District Engineer Division of Drinking Water State Water Resources Control Board

- Attachments:
- 'A' Public Notice
 - 'B' Certification of Completion of Public Notification



CERTIFIED MAIL 7012 3460 0003 1112 8205

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Agate Bay Water Company Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 17 samples to test for the presence of coliform bacteria during June 2016. Four of those samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may show the presence of coliform bacteria.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

Two routine samples collected on June 13, 2016, tested positive for total coliform bacteria but absent for E. coli. The lab notified the Company of these results on June 14, 2016, following the completion of the tests, and the Company collected a total of seven repeat samples, including a sample from our spring source on June 16, 2016. Two of the samples collected from the distribution system as well as the sample collected from the spring tested positive for total coliform bacteria but absent for E. coli. The Company increased the amount of chlorination provided and flushed some of the water from the system. Six samples collected from the distribution system on June 20, 2016, all tested absent for total coliform bacteria, and two samples collected from the distribution system on June 28, 2016, also tested absent for total coliform bacteria, indicating that there was no longer any contamination in the distribution system. The cause of the total coliform positive samples has not been determined.

For more information, please contact Duncan Davis at 530-546-3337 or P.O. Box 444 Carnelian Bay, CA 96140.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Agate Bay Water Company

State Water System ID#: 3110012 Date distributed: _____

